

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63375 of 2017

Arising Out of P.S.Case No. -535 Year- 2017 Thana -AHIAPUR District- MUZAFFARPUR

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Ganesh Thakur S/o Rameshwar Thakur, R/o Village- Brahmapura, Rang
Gali, P.S.- Brahmpura, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Prafull Chandra Jha, Advocate

For the Opposite Party : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 12-01-2018 Heard.

The petitioner is in custody in connection with Ahiyapur
P.S.Case No.535 of 2017 registered for an offence under Sections
399 and 402 of the IPC and also the Arms Act.

It has been submitted that the petitioner is vegetable
seller and has been implicated in this case merely on suspicion. It
has also been submitted that neither any fire arm was recovered
nor any seizure was made in his presence. It has also been
submitted that the alleged recovery was made in the night where
no independent witnesses are supposed to be present and the
witnesses who signed the seizure list are resident of different
villages which cast doubt on the alleged seizure on the date and
time of occurrence. The petitioner is in custody since 11.07.2017



having clean antecedent.

Learned APP opposed the submission.

Considering the aforesaid facts and circumstances, prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Muzaffarpur in connection with Ahiyapur P.S.Case No.535 of 2017 (G.R.No.3044 of 2017), subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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